

REMARKS

Favorable reconsideration, reexamination, and allowance of the present patent application are respectfully requested in view of the following remarks.

Summary of Office Action

In the Office Action, beginning at page 3, Claim 1 was rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,010,847 to Braden (Braden'847) in view of U.S. Patent No. 3,529,575 to Schalk (Schalk'575) and further in view of U.S. Patent No. 5,427,058 to Chung (Chung'058).

Summary of Response to Office Action

In Response to the July 16, 2008 Office Action, Applicant hereby respectfully submits that the rejection is in error and requests reconsideration for at least the following reasons. Accordingly, claims 1 and 3-20 are currently pending, claim 2 is canceled without prejudice or disclaimer, and claims 1 and 4 are the only pending independent claims.

All Claims Are Allowable

Claim 1 in this application is rejected under various provisions of U.S. law. Applicant respectfully submits that all claims are allowable for the specific reasons set forth below, and therefore requests issuance of this application.

35 U.S.C. § 103(a)

In the Office Action, beginning at page 3, Claim 1 was rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,010,847 to Braden (Braden'847) in view of U.S. Patent No. 3,529,575 to Schalk (Schalk'575) and further in view of U.S. Patent No. 5,427,058 to Chung (Chung'058). Applicant respectfully traverses this rejection and requests reconsideration for at least the following reasons.

At the outset, it should be noted that the suggested combination of these three references would not result in an operative product, and that the alleged modification of Braden'847 with the structure taught in Schalk'575 and Chung'058 would actually destroy the intended purpose and functionality of the base reference to Braden'847. Moreover, Braden'847 is designed and intended to provide dry feed to cattle live stock. To somehow modify the large nipple structure (42 or 72) of Braden'847 to include certain components of the water outlet control device disclosed in Chung'058 would result in a device that could not provide throughput of the dry feed, as intended in the base reference to Braden'847. It is respectfully submitted that one of ordinary skill in the art would have recognized that dry feed, or even wet feed, would not be able to travel the circuitous path of the water outlet control device disclosed in Chung'058 without clogging or otherwise causing the resulting device to fail. Nor would there be any reason to put such a small, and specialized water control element in the larger valve/nipple structure of Braden'847. It is respectfully submitted that the only reason that these references are now being combined is to somehow piecemeal a rejection against Applicant's claimed invention. This is the exact definition of the use of impermissible hindsight in order to construct a rejection. There is no logical reason or motivation to combine these references as suggested, and no specific reason or benefit or motivation can be found in the Office Action as well, other than a simple list of structures and a conclusory statement that the structures are all combinable. It would not have even been "obvious to try" the combination in view of the fact that the combination would have resulted in an inoperable and deficient structure.

It has long been a tenet of the law of obviousness that the base reference cannot be modified in a way that would render it useless for its intended purpose. It is respectfully submitted that this is exactly the case with the suggested modification of Braden'847 with Schalk'575 and Chung'058. Reconsideration of this rejection is respectfully requested.

Furthermore, as discussed previously and as recognized by the issuance of a new rejection including an additional art reference, neither Braden'847 nor Schalk'575 disclose or teach, either alone or in combination, the feature of a duct located entirely within the nipple, the

duct including an outlet end located within the nipple to define the nipple tip portion between the outlet end of the duct and the nipple, as recited in claim 1.

In paragraph 2 of the outstanding Office Action, the rejection appears to be based on an alleged correspondence between components of the presently claimed invention and the components in the cited references. However, the correspondences appear to be incorrect.

For example, the Office Action indicates that component 46 or 72 serves as a nipple as recited in the claims of the present invention, and that component 18 or 70 serves as a replaceable duct. However, as clearly shown in the drawings of the Braden'847 patent, the component 18 or 70 is a container main body, which reserves the materials that are to be fed. Accordingly, the component 18 or 70 does not function as a replaceable duct as recited in the pending claims. Furthermore, in Applicant's claim 1, the duct is described as being located entirely within the nipple. However, the component 18 or 70 is not located entirely within the component 46 or 72. On the other hand, in the presently claimed invention, the replaceable duct may not function as a container itself. In view of this, the Braden'847 patent cannot be considered to disclose a replaceable duct inserted into a nipple.

Furthermore, components 54 or 92 are considered in the Office Action to serve as a structure that prevents liquid from accumulating in portions of the nipple. It is respectfully submitted that Applicant cannot find any description in Braden'847 relating to how such structure corresponds to a structure that prevents a liquid from accumulating in the nipple, as recited in claim 1. By contrast, component 54 or 92 serves as a flap in the Braden'847 patent which is configured to be a normally closed valve structure. This closed state can be opened upon squeezing the tubular portion 48. Accordingly, this cannot reasonably be considered to be a structure that prevents liquid from accumulating in portions of the nipple, as recited in the pending claims.

Accordingly, it is respectfully submitted that the Braden'847 patent does not relate to the presently claimed invention of claim 1 at all. The Office Action further indicates that Schalk'575 discloses that liquid accumulates only in the nipple tip at the front of 19 and the duct 18. However, component 18 is the container itself, like the component 18 or 70 in the

Braden'847 patent. Accordingly, it cannot reasonably be considered to be a replaceable duct located entirely within the nipple separately provided to the container. Furthermore, there is no disclosure or suggestion regarding any structure that prevents liquid from accumulating in portions of a nipple in the Schalk'575 patent.

Since both the Braden'847 patent and the Schalk'575 patent do not disclose each and every component of the presently claimed invention, the present invention cannot be obviated by the combination thereof. In addition, the Chung'058 patent is relied upon for certain acknowledged deficiencies in Braden'847 and Schalk'575. Chung'058 discloses a water stopper 20 located entirely within a casing 10 and water nozzle 30. The stopper 20 includes an outlet end located within the casing 10 and water nozzle 30 (see Fig. 6). However, as indicated above, the Chung'058 patent does not relate to a nipple as recited in Applicant's claims, but to a simple and specialized valve structure including a casing 10, a water stopper 20, and a water nozzle 30. The water stopper 20 and the water nozzle 30 are secured by threaded fastening. They are moved together upon pushing-up the tip of the water nozzle 30, and accordingly, they cannot be considered a nipple and a replaceable duct as recited in the presently claimed invention.

Accordingly, even if the teachings of the Braden'847 patent and the Schalk'575 patent are somehow combined with the teaching of the Chung'058 patent, the features of the presently claimed invention cannot be obviated thereby. In other words, the cited references merely disclose various valve structures with the main container (the Braden'847 patent and the Schalk'575 patent) or without the main container (the Chung'058 patent). As discussed above, in the Braden'847 patent the component 18 or 70 cannot reasonably be considered to form a replaceable duct within the nipple, and component 18 of Schalk'575 also cannot reasonably be considered to form a replaceable duct within the nipple. In the Chung'058 patent, the component 20 also cannot reasonably be considered to be a replaceable duct, but instead is a component integrated with the tip component 30. Furthermore, the tip component does not have any structure that prevents a liquid from accumulating in the nipple except in a nipple tip and the

duct. Since there are no nipple and no duct as recited in claim 1, the cited references cannot disclose or suggest such a structure as set forth in the present invention described in claim 1.

Accordingly, proper understanding and recognition of the reasonable teachings of the components of the cited references and of the claim features of the present invention should indicate that claim 1 is clearly distinguished from the combined teachings of the cited references and should be considered allowable over the cited references. It is respectfully submitted that claim 1 clearly defines over Braden'847, Schalk'575, and Chung'058 either taken alone or in alleged combination. Accordingly, withdrawal of the rejection under 35 U.S.C. §103 is respectfully requested.

Conclusion


Applicant respectfully submits that the present patent application is in condition for allowance. An early indication of the allowability of this patent application is therefore respectfully solicited.

If the Examiner believes that a telephone conference with the undersigned would expedite passage of this patent application to issue, he is invited to call on the number below.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. If, however, additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is hereby authorized to charge fees

necessitated by this paper, and to credit all refunds and overpayments, to our Deposit Account listed on Applicant's initial application filing transmittal document.

Respectfully submitted,
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Date: December 16, 2008